

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Gerard Joseph Bean

v.

Civil No. 07-cv-328-JL

Larry Blaisdell, Warden,
Northern New Hampshire
Correctional Facility

O R D E R

Gerard Bean has filed an addendum (document no. 51) to his February 3, 2010 Motion to Reinstate the Stay (document no. 50) in this case. Bean's motion to reinstate the stay was denied on February 4, 2010. To the extent the addendum filed may be considered a motion to reconsider, that motion is denied.

Bean is reminded that he has until March 5, 2010 to file a notice in this Court indicating whether he would like to proceed with his mixed petition or whether he would like to voluntarily dismiss his one unexhausted claim and have the Court consider his exhausted claims. If Bean fails to file the notice as directed,

or declines to voluntarily dismiss his unexhausted claim, this matter will be dismissed as a mixed petition. See Nowaczyk v. Warden, 299 F.3d 69, 75 (1st Cir. 2002) (citing Rose v. Lundy, 455 U.S. 509, 513-21 (1982)).

SO ORDERED.


James R. Muirhead
United States Magistrate Judge

Date: February 11, 2010

cc: Gerard Joseph Bean, pro se

JM:jba